

	DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING <i>ENFORCEMENT DIVISION</i> <i>DIRECTIVE</i>	DIRECTIVE NUMBER 100 DISTRIBUTION DATE October 1, 1998
---	---	---

1. **SUBJECT:** **DIRECTIVE SYSTEM FOR THE ENFORCEMENT DIVISION OF
THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**

2. **PURPOSE:** To provide procedural and policy guidance for the processing of
complaints of discrimination.

3. **BACKGROUND:** The Department of Fair Employment and Housing (DFEH)
requires that there be an authoritative system to provide procedural and
policy guidance to staff responsible for processing discrimination cases. The
Enforcement Division Directive System is the primary vehicle for providing
such guidance. Although Directives assist staff who enforce the Fair
Employment and Housing Act (FEHA), the Unruh Civil Rights Act, the Ralph
Civil Rights Act, and Civil Code section 54, they are not regulations, but are
used for internal guidance only. Management staff are expected to exercise
discretion in their use. Specific requirements may be waived with the
concurrence of the Deputy Director of the Enforcement Division.

4. **PROCEDURES:**
 - A. **Initiation of a Directive:**
 - 1) The Director of the Department has the sole authority to issue
Directives.

 - 2) Any DFEH employee may suggest that a Directive be created or
revised. Suggestions will be submitted in memorandum form to
the Deputy Director Enforcement Division through supervisory
channels.

 - 3) The Deputy Director Enforcement Division will submit proposed
Directives and revisions in draft form to the Legal/Enforcement
Policy Committee (LEPC).

 - B. **Development and Review of Directives:**

- 1) LEPC members will review draft Directives and revisions.
- 2) Draft Directives and revisions approved by LEPC will be forwarded to the Deputy Director Enforcement Division or the Chief Counsel who will review the draft with the Director.
- 3) The Director may circulate the draft Directive or revision for further comment and revision by staff. Such comments will be reviewed by the Deputy Director Enforcement Division and the Chief Counsel for possible inclusion in the Directive.
- 4) Draft Directives or revisions approved by the Director will be finalized by the Deputy Director Enforcement Division.
- 5) Completed Directives will be referred for signature to the Director through the Deputy Director Enforcement Division.

C. Distribution:

- 1) Each new employee in the Enforcement Division will be provided a complete set of Directives.
- 2) A complete and current set of Directives will be maintained by all members of the Executive staff, all staff attorneys, and all Enforcement Division staff.
- 3) All holders of the Enforcement Division Directives will receive copies of new and revised Directives.

D. Responsibilities:

- 1) The Director of the Department has the ultimate responsibility for the administration and implementation of the Directive system.
- 2) The Chief Counsel, the Deputy Director Enforcement Division, Regional Administrators, and District Administrators have the responsibility to:
 - a) Ensure that all staff members under their supervision have a complete and current set of Enforcement Division Directives and consistently follow the Directives.
 - b) Recommend Directive changes to the Chief Counsel or Deputy Director Enforcement Division.

- c) Ensure that draft Directives are in compliance with the FEHA and existing Department policies and procedures.
- 3) All Enforcement Division and Legal Division staff have the responsibility to be knowledgeable about the Enforcement Division Directives, maintain a complete and current set of Directives, and consistently comply with them.

E. Organization of Directives:

- 1) Individual Directives are organized into chapters by subject matter and case processing procedures. These chapters are:
 - 100-199 General Information Chapter;
 - 200-299 Intake Chapter;
 - 300-399 Investigation Chapter;
 - 400-499 Settlement Chapter;
 - 500-599 Closing Procedures Chapter;
 - 600-699 Disclosure and Information Requests Chapter;
 - 700-799 Outreach and Education Chapter;
 - 800-899 Unruh Act Complaints Chapter; and
 - 900-999 Ralph Act Complaints Chapter.
- 2) Each chapter may contain up to 100 Directives. Unused numbers are reserved for future additions.
- 3) Separate Directives have been developed to address individual subject areas and are assigned separate numbers.

F. Revisions to the Directives:

- 1) The effective date of each Directive will be the date of distribution, unless otherwise stated.
- 2) Where a Directive supersedes a Directive of a different number, that information will be noted on the face of the Directive and the "Revisions List" which will cross-reference such changes and indicate the revision dates.
- 3) Revisions to Directives may be made through revision memoranda. The issuance of these will be noted on the "Revisions List" and will include the revised Directive number, the revision date, and the title of the revision memorandum.

G. Indexes:

The following indexes are provided for easy access and reference:

- 1) Numeric List;
- 2) Alphabetic index by subject matter and key concepts; and
- 3) Directive Revision History.

5. APPROVAL:

Nancy C. Gutierrez, Director

Date